



10-16-07

ifw DAC
Patent
Docket No.: 00798DIVCIP
\$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 1713

Examiner: Roberto Rábago

In re Application of:
Krzysztof Matyjaszewski et al.

Serial No.: 10/684,137

Filing Date: October 10, 2003

STABILIZATION OF TRANSITION
METAL COMPLEXES FOR
CATALYSIS IN DIVERSE
ENVIRONMENTS

PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM
UNDER 35 U.S.C. § 119(e)

10/17/2007 WABDELRI 00000053 10684137

01 FC:1454

1410.00 OP

October 15, 2007

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith a Petition as required by 37 C.F.R. § 1.78(a)(6) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(e) in the above referenced patent application ("subject application"). The subject application is subject to a Notice of Allowance, dated September 11, 2007. When reviewing the file, Applicants' representative noticed that the claim for priority under 35 U.S.C. § 119(e) was incomplete.

The subject application has the following corrected priority claim. The subject application is a continuation in part application claiming priority under 35 U.S.C. § 120

from U.S. patent application Ser. No. 10/625,890 filed on Jul. 23, 2003, now abandoned, which is a divisional of U.S. patent application Ser. No. 09/972,260 filed on Oct. 5, 2001 which issued as U.S. Pat. No. 6,624,262 on Sep. 23, 2002, and which claims priority under 35 U.S.C. § 119 from provisional patent application Serial No. 60/238,809, filed on Oct. 6, 2000. The subject application also claims priority under 35 U.S.C. § 119 from provisional patent application Serial No. 60/417,591 filed on Oct. 10, 2002.

In the specification of the subject application in the section entitled Cross Referenced to Related Applications (paragraph [0002], as filed), reference under 35 U.S.C. § 119(e) to U.S. provisional patent application Serial No. 60/238,809, filed on October 6, 2000 was unintentionally omitted. Further, the Declaration filed under 37 C.F.R. § 1.63 on February 24, 2004 claimed priority under 35 U.S.C. § 119(e) to U.S. provisional patent application Serial No. 60/238,809, but unintentionally omitted the claim to priority under 35 U.S.C. § 119(e) to U.S. provisional patent application Serial No. 60/417,591.

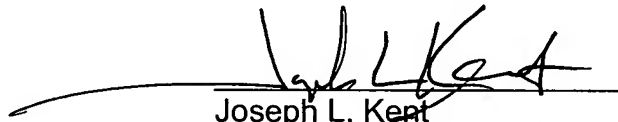
As required by 37 C.F.R. § 1.78(a)(6)(i), Applicants submit with this Petition, a request under 37 C.F.R. § 1.312 Amendment after Allowance to correct the specification of the subject application to include the unintentionally omitted priority reference to U.S. provisional patent application Serial No. 60/238,809 as required by 35 U.S.C. § 119(e). Applicants also submit with this Petition, a corrected Declaration under 37 C.F.R. § 1.63 which accurately sets forth the correct claim of priority.

Applicants respectfully submit that the error in claiming priority to the U.S. Provisional Patent Applications discussed above was unintentional and Applicants have

made diligent efforts to correct this error as soon as it was recognized. As required under 37 C.F.R. § 1.78(a)(6)(iii), Applicants state that the entire delay between the date the claim for priority was due under 37 C.F.R. § 1.78(a)(5)(ii) and the date that the claim was filed was unintentional. Further, as required by 37 C.F.R. § 1.78(a)(6)(ii), Applicants submit herewith the surcharge set forth in 37 C.F.R. § 1.17(t). The Commissioner is authorized to charge any additional required fees deemed necessary for consideration of this Petition to Account No. 11-1110.

Applicants respectfully request consideration of this Petition to correct the claim to priority under 35 U.S.C. § 119(e) in the subject application. If the Applicant's representative can be of assistance in addressing issues with regard to this Petition, please contact the undersigned at the number set forth below.

Respectfully submitted,



Joseph L. Kent
Registration No. 54,216

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222-2312
Telephone: (412) 355-8315
Facsimile: (412) 355-6501

Customer No. 26,285